

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

LARRY WAYNE LEWIS	§	
VS.	§	CIVIL ACTION NO. 5:16cv84
UNITED STATES OF AMERICA	§	

TRANSFER ORDER

Movant Larry Wayne Lewis, a prisoner confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *rtq'ug*, brought this motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

The court referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge states that Mr. Lewis's motion is a second or successive motion and therefore cannot be considered unless it is certified by the appropriate court of appeals. Judge Craven further reasons that Mr. Lewis's allegations meet the requirements for such certification. Accordingly, to expedite the movant's claims, the Magistrate Judge recommends the motion be transferred to the United States Court of Appeals for the Fifth Circuit for consideration as a second or successive motion.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the above-styled motion to vacate, set aside or correct sentence is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit for a determination whether the movant is authorized under 28 U.S.C. § 2255(h) to file a motion to vacate, set aside or correct sentence.

SIGNED this 27th day of January, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE